

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA )  
v. )  
RICHARD BOTCHWAY )

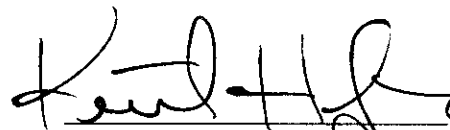
Criminal No. 05-CR40035-FDS

**AFFIDAVIT OF COUNSEL  
IN SUPPORT OF DEFENDANT'S MOTION FOR LEAVE TO SUBPOENA  
MATERIALS FROM MASSACHUSETTS STATE POLICE**

I, Keith Halpern, attest:

1. I am counsel for the defendant Richard Botchway in the above-entitled action.
2. Provided as Exhibit A hereto is a subpoena suitable for issuance by the court as sought by the defendant.
3. Provided as Exhibit B hereto is a copy of the Massachusetts Racial and Gender Profiling Final Report issued by Northeastern University's Institute on Race and Justice in May 2004.
4. Provided as Exhibit C hereto are copies of the following documents from the case of United States of America v. Jose Otero, Crim. No. 04-40030 (D. Mass.):
  - a. Ex Parte Motion for Production of Massachusetts Registry of Motor Vehicle Documents;
  - b. Ex Parte Motion to Reconsider (with "allowed" endorsement of Magistrate Swartwood);
  - c. Affidavit of Counsel in Support of Ex Parte Motion for Reconsideration;
  - d. Order re Registry of Motor Vehicles issued by Magistrate Swartwood.

Signed under the penalties of perjury this 2<sup>nd</sup> day of December 2005.



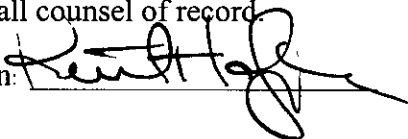
Keith Halpern, BBO# 545282  
4 Longfellow Place, 37<sup>th</sup> Floor  
Boston, MA 02114  
(617) 694-9974

Certificate of Service

I hereby certify that I have this date served the above by causing a true copy thereof to be mailed by first class postage prepaid mail to all counsel of record.

Dated: 12/2/05

Keith Halpern:



UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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